

By: Munoz, Jr.

H.B. No. 3674

A BILL TO BE ENTITLED

AN ACT

relating to the eligibility of a municipality for the Historic Courthouse Preservation and Maintenance Programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1: Section 442.0081 of the Government Code is amended to read as follows:

Sec. 442.0081. HISTORIC COURTHOUSE PRESERVATION AND MAINTENANCE PROGRAMS; GRANTS AND LOANS.

(a) The commission shall administer a historic courthouse preservation program.

(b) A county or municipality that owns a historic courthouse may apply to the commission for a grant or loan for a historic courthouse project. The application must:

(1) state the location of the courthouse;

(2) state whether the courthouse is or is likely to become a historic structure;

(3) state the amount of money or in-kind contributions that the county promises to contribute to the project;

(4) state whether the courthouse is currently functioning as a courthouse;

(5) include any plans, including a master preservation plan, that the county may have for the project; and

(6) include any other information that the commission by rule may require.

1 (c) The commission may grant or loan money to a county or
2 municipality that owns a historic courthouse, for the purpose of
3 preserving or restoring the courthouse, if the county's or
4 municipality's application meets the standards of the historic
5 courthouse preservation program. In considering whether to grant
6 an application, the commission shall consider the preferences and
7 factors listed in this section as well as any other factors that it
8 may provide by rule.

9 (d) In considering whether to grant an application, the
10 commission shall give preference to:

11 (1) a proposed project to preserve or restore a
12 courthouse:

13 (A) that is or is likely to become a historic
14 structure; and

15 (B) that:

16 (i) is still functioning as a courthouse;

17 (ii) was built before 1875; or

18 (iii) is subject to a conservation easement
19 held by the commission; and

20 (2) a county or municipality that will provide or has
21 provided at least 15 percent of the project's costs, including:

22 (A) in-kind contributions; and

23 (B) previous expenditures for master planning
24 and renovations on the courthouse that are the subject of the
25 application.

26 (e) In considering whether to grant an application, the
27 commission shall also consider the following factors:

1 (1) the amount of money available for a grant or loan
2 and the percentage of the costs that the county or municipality will
3 contribute;

4 (2) whether the county or municipality will contribute
5 any in-kind contribution such as labor or materials;

6 (3) the cost to preserve or restore the courthouse;

7 (4) the architectural style of the courthouse;

8 (5) the historic significance of the courthouse;

9 (6) the county's or municipality's master preservation
10 plan; and

11 (7) any other factors that the commission by rule may
12 provide.

13 (f) The commission shall adopt rules regarding the way in
14 which it will consider the following factors in analyzing a
15 county's or municipality's contribution to project costs under
16 Subsection (d)(2):

17 (1) the period during which past expenditures can be
18 considered;

19 (2) the amount of past expenditures that can be
20 considered; and

21 (3) the amount and type of in-kind contributions that
22 can be considered.

23 (g) The commission shall appoint a Texas Courthouse
24 Preservation Program Advisory Committee. The committee shall
25 assist the commission on matters relating to the historic
26 courthouse preservation program. The commission may reimburse a
27 committee member's travel expenses and provide a per diem for other

1 expenses from funds appropriated to the commission, but not from
2 funds in the historic courthouse preservation fund account created
3 by this chapter. Chapter 2110 applies to the committee, but the
4 committee must include:

5 (1) members from the different geographical areas of
6 the state;

7 (2) an equal number of members from counties with a
8 population of:

9 (A) 24,999 or less;

10 (B) 25,000 to 75,000; and

11 (C) 75,001 or more; and

12 (3) at least the following members:

13 (A) one or more elected county officials;

14 (B) one or more members of historical
15 organizations or persons with knowledge of and experience in
16 preservation who are not elected county officials; and

17 (C) one or more members of the general public who
18 do not meet the requirements of Paragraph (A) or (B).

19 (g-1) To help protect courthouses that have benefited from
20 the historic courthouse preservation program, the commission shall
21 develop and implement a maintenance program to assist counties
22 receiving money under the preservation program in continuing to
23 maintain, repair, and preserve the courthouses. The maintenance
24 program may include offering to periodically inspect the
25 courthouses and offering counties technical assistance and
26 information on best practices in maintaining the courthouses.

27 (h) The commission shall adopt rules necessary to implement

1 the historic courthouse preservation and maintenance programs.

2 SECTION 2: Section 442.0082 of the Government Code is
3 amended to read as follows:

4 Sec. 442.0082. HISTORIC COURTHOUSE PROJECT; REQUIREMENTS.

5 (a) Before incurring any expenses payable from funds received from
6 the commission under the historic courthouse preservation program,
7 a county or municipality must have a master preservation plan for
8 its historic courthouse project. The commission by rule shall
9 prescribe the minimum standards for a master preservation plan.

10 (b) A county or municipality that receives money under the
11 historic courthouse preservation program must use recognized
12 preservation standards for work on a historic courthouse project.
13 The commission by rule shall establish standards regarding the
14 quality of the work performed on a historic courthouse project.

15 (c) A county or municipality that receives money under the
16 historic courthouse preservation program for a historic courthouse
17 project may use the money only for eligible preservation and
18 restoration expenses that the commission by rule shall prescribe.
19 Eligible expenses may include costs for:

20 (1) structural, mechanical, electrical, and plumbing
21 systems and weather protection and emergency public safety issues
22 not covered by insurance;

23 (2) code and environmental compliance, including
24 complying with the federal Americans with Disabilities Act of 1990
25 and its subsequent amendments, Article 9102, Revised Statutes, and
26 other state laws relating to accessibility standards, hazardous
27 materials mitigation rules, and other similar concerns;

- 1 (3) replication of a missing architectural feature;
2 (4) removal of an inappropriate addition or
3 modification; and
4 (5) restoration of a courtroom or other significant
5 public space in a functional and historically appropriate manner.

6 (d) A county's or municipality's expenditure of money
7 received under this chapter for a historic courthouse project is
8 subject to audit by the state auditor in accordance with Chapter
9 321.

10 (e) The commission by rule shall provide for oversight
11 procedures on a project. These rules shall provide for reasonable
12 inspections by the commission as well as periodic reports by a
13 county on a project's progress.

14 SECTION 3: Section 442.0082 of the Government Code is
15 amended to read as follows:

16 Sec. 442.0083. FUNDING FOR HISTORIC COURTHOUSE
17 PRESERVATION PROGRAM; HISTORIC COURTHOUSE PRESERVATION FUND
18 ACCOUNT. (a) The historic courthouse preservation fund account is
19 a separate account in the general revenue fund. The account
20 consists of transfers made to the account, payments on loans made
21 under the historic courthouse preservation program, grants and
22 donations made for the purposes of the historic courthouse
23 preservation program, and income earned on investments of money in
24 the account. Appropriations to the commission for the historic
25 courthouse preservation program shall be deposited to the credit of
26 the account. Notwithstanding Section 404.071, income earned on
27 money in the account shall be deposited to the credit of the

1 account.

2 (b) Except as otherwise provided by Subsection (c), the
3 commission may use money in the historic courthouse preservation
4 fund account to provide a grant or loan to a county or municipality
5 that owns a historic courthouse for a historic courthouse project.
6 The grant or loan may be in the amount and according to the terms
7 that the commission by rule shall determine.

8 (c) The commission may use money in the historic courthouse
9 preservation fund account to provide a loan under the historic
10 courthouse preservation program only to the extent that the
11 legislature provides in the General Appropriations Act that money
12 appropriated to the commission for the program may be used to make
13 loans.

14 (d) As a condition for providing the money under this
15 section, the commission may require creation of a conservation
16 easement in the property, as provided by Chapter 183, Natural
17 Resources Code, in favor of the state and may require creation of
18 other appropriate covenants in favor of the state. The commission
19 may take any necessary action to enforce repayment of a loan or any
20 other agreements made under this section and Sections 442.0081 and
21 442.0082.

22 (e) A grant for a historic courthouse project may not exceed
23 the greater of \$6 million or two percent of the amount appropriated
24 for implementing the historic courthouse preservation program
25 during the state fiscal biennium.

26 (f) Biennial appropriations to the commission for
27 administering the historic courthouse preservation and maintenance

1 programs during a state fiscal biennium, including providing
2 oversight for historic courthouse projects, may not exceed 2-1/2
3 percent of the amount appropriated for implementing the historic
4 courthouse preservation and maintenance programs during the state
5 fiscal biennium.

6 (g) The commission by rule may set a limit on the loan amount
7 for a historic courthouse project. This amount may be expressed as
8 a dollar amount or as a percentage of the total amount appropriated
9 for implementing the historic courthouse preservation program
10 during the state fiscal biennium.

11 (h) The commission may accept a gift, grant, or other
12 donation for the historic courthouse preservation program or a
13 specific historic courthouse project.

14 SECTION 4: This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2013.